

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**MidFirst Bank,**

**Plaintiff,**

**vs.**

**Kelly L. Tilley, *et al.*,**

**Defendants.**

**Case No. 2:07-cv-1098**

**Judge George C. Smith**

**ORDER OF CONFIRMATION OF  
SALE AND DISTRIBUTION**

This action is before the Court upon the Notice of Deposit of Foreclosure Sale filed by the Special Master with respect to the property commonly known as 1047 East Dunedin Road, Columbus, OH 43224, parcel no. 010-083060-00 (the "Property"). The legal description of the Property is attached to this order as Exhibit A, which is incorporated herein by reference.

1. Consistent with section 3.12 of General Order No. 07-03 and section 2329.34 of the Ohio Revised Code, the Court finds that a special reason exists why a county sheriff or the United States Marshal's Office cannot conduct the sale.
2. The Property was sold by the Special Master on July 24, 2008 to MidFirst Bank for the following amount: \$126,757.53. MidFirst Bank subsequently assigned its bid to Secretary of Housing and Urban Development aka HUD ("Plaintiff's Assignee").
3. Having carefully examined the proceedings of the officer, the Court finds that the sale of the Property conformed in all respects to the law and the prior orders of this Court and hereby confirms and approves the sale of the Property and these proceedings.
4. The Special Master, within 5 days of the date of this Entry, shall convey the Property to Secretary of Housing and Urban Development aka HUD by deed according to law free

and clear of all liens and encumbrances and shall issue the deed in the following name:  
Secretary of Housing and Urban Development aka HUD.

5. The tax mailing address of the purchaser of the Property is as follows: 451 7th Street, Washington DC 20410.
6. The prior deed reference with respect to the Property is as follows: Deed dated July 10, 2000, filed July 12, 2000, recorded at Official Instrument Number 200007120137730, Recorder's Office, Franklin County, Ohio.
7. The purchaser of the Property is hereby subrogated to the rights of the mortgagees and lien holders in the Property to the extent necessary to protect the purchaser's title to the Property.
8. The Court hereby grants the purchaser of the Property a writ of possession to put the purchaser in possession of the Property.
9. The Court hereby orders the release of all mortgages and liens held by all parties to this action. As a result, upon recording of a certified copy of this Order in the office of the Franklin County Recorder, each of the mortgages and liens listed on Exhibit B, which is attached to this Order and incorporated herein by reference, shall be ordered released by operation of law. Such mortgages and liens shall be released only to the extent that they encumber the property foreclosed upon in this action and not to the extent that they encumber any other property.
10. Because Secretary of Housing and Urban Development aka HUD is the assignee of the successful bid of MidFirst Bank, which holds a valid and subsisting mortgage on the Property, it need not pay the full amount of the purchase price to the Special Master. Instead, the bid of Secretary of Housing and Urban Development aka HUD shall be

credited against the amount of the judgment previously entered in favor of the Plaintiff.

Plaintiff is further ordered to pay the following:

- a. To the County Treasurer, \$0.00 for taxes and assessments due on the Property as represented by tax bill attached as Exhibit C.
- b. To the U.S. District Court, Southern District of Ohio, \$2,043.91 shall be paid as the amount of the purchase price that exceeds the amount due to the Plaintiff.

This shall be held by the Clerk pending further Order from the Court.

11. The following amount shall be applied in satisfaction of the amount of the judgment previously entered in favor of the Plaintiff: \$124,713.62.
12. The Clerk is hereby ordered to distribute \$500.00 to the Special Master from the amount placed on deposit by the Plaintiff.
13. Having distributed payment for the appraisals in accordance with section 3.12 of General Order 07-03, the Clerk is hereby ordered to return the balance of the deposit, \$550.00, plus accrued interest, if any, to the Plaintiff.

**IT IS SO ORDERED.**

/s/ George C. Smith

**GEORGE C. SMITH, JUDGE  
UNITED STATES DISTRICT COURT**

Approved:

/s/ Kevin L. Williams

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